

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

20 MAR 24 PM 1:02

UNITED STATES OF AMERICA

v.

JAMES STUART FALLER, II

*
*
*
*
*

CLERK J. Hodge
SO. DIST. OF GA.

CR 119-078

O R D E R

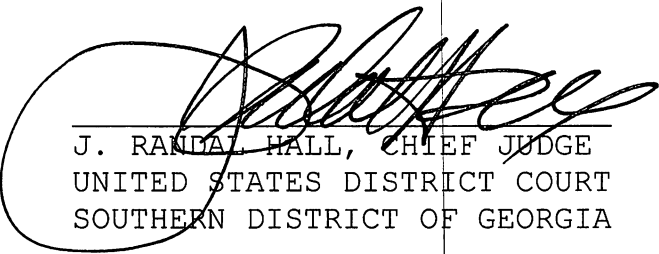
Before the Court is Defendant James Stuart Faller, II's motion to alter/amend this Court's March 12, 2020 Order denying Defendant's motion for hearing and temporary restraining order. (Doc. 7.) Defendant bases his motion on Federal Rule of Civil Procedure 59(e). For the following reasons, Defendant's motion is denied.

"Although the Federal Rules of Criminal Procedure do not specifically authorize motions for reconsideration, both the Supreme Court and [the Eleventh Circuit] have permitted parties to file such motions in criminal cases." See Serrano v. United States, 411 F. App'x 253, 255 (11th Cir. 2011) (citing United States v. Phillips, 597 F.3d 1190, 1199-1200 (11th Cir. 2010)). In deciding such motions, courts rely on the standards applicable to a motion for reconsideration filed in a civil case pursuant to Rule 59. See United States v. Brown, No. 3:18-cr-89-J-34JRK, 2019 WL 7067091, at *1 (11th Cir. 2019). The movant must show "(1) an intervening change in controlling law; (2) the availability of new

evidence; [or] (3) the need to correct clear error or manifest injustice." Id.

Defendant has made none of the required showings. Therefore, Defendant's motion (Doc. 7) is **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 24th day of March, 2020.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA